

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROMY SYLLAS,

Plaintiff,

-against-

JOHN DOE #1; JOHN DOE #2; JOHN DOE #3;
JOHN DOE #4; JOHN DOE #5,

Defendants.

24-CV-1315 (KMK)

VALENTIN ORDER

KENNETH M. KARAS, United States District Judge:

Plaintiff, who currently is incarcerated at Elmira Correctional Facility, brings this Action, pro se, under 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights when he was incarcerated at Green Haven Correctional Facility (“Green Haven”). Named as Defendants are five John Doe Correction Emergency Response Team (“CERT”) officers at Green Haven. By Order dated February 27, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.¹

DISCUSSION

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff supplies sufficient information to permit the New York State Department of Corrections and Community Supervision (“DOCCS”) to identify the five CERT officers who allegedly removed Plaintiff from his cell at Green Haven on October 7, 2023. It is therefore ordered that the New York State Attorney General, who is the attorney for and agent of DOCCS, must ascertain the identity and

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

badge number of each John Doe whom Plaintiff seeks to sue here and the address where the Defendant may be served. The New York State Attorney General must provide this information to Plaintiff and the Court within sixty days of the date of this Order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendants. The amended complaint will replace, not supplement, the original Complaint. An amended complaint form that Plaintiff should complete is attached to this Order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing the Clerk of Court to complete U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) with the addresses for the named John Doe Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

CONCLUSION

The Clerk of Court is respectfully directed to mail a copy of this Order and the Complaint to New York State Attorney General at: Managing Attorney’s Office, 28 Liberty Street, 16th Floor, New York, New York 10007.

The Clerk of Court is further directed to mail an information package to Plaintiff.
SO ORDERED.

Dated: March 7, 2024
White Plains, New York


KENNETH M. KARAS
United States District Judge